

2011 DRAFTING REQUEST

Bill

Received: **11/23/2010**

Received By: **fknepp**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 266-2214**

By/Representing: **Dombrowski**

May Contact:

Drafter: **fknepp**

Subject: **Health - long-term care**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**
tamara.dodge@legis.wisconsin.gov

Pre Topic:

DOA:.....Dombrowski, BB0131 -

Topic:

Family Care, Family Care Partnership, PACE, and IRIS enrollment cap

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/P1	fknepp 12/14/2010	jdye 12/15/2010	rschluet 12/15/2010		lparisi 12/15/2010		State
/P2	fknepp 01/05/2011	jdye 01/06/2011	rschluet 01/06/2011		sbasford 01/06/2011		State
/P3	fknepp 02/14/2011	jdye 02/14/2011	phenry 02/14/2011		lparisi 02/14/2011		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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DOA:.....Dombrowski, BB0131 -

Topic:

Family Care, Family Care Partnership, PACE, and IRIS enrollment (freeze) *Cap*

Instructions:

See attached

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/P1	fknepp 12/14/2010	jdye 12/15/2010	rschluet 12/15/2010		lparisi 12/15/2010		State
/P2	fknepp 01/05/2011	jdye 01/06/2011	rschluet 01/06/2011	<i>2/14</i>	sbasford 01/06/2011		

2/14 ph
ph/mo

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Family Care, Family Care Partnership, PACE, and IRIS enrollment freeze

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/?		<i>P2 1/6 jld</i>					State
/P1	fknepp 12/14/2010 fknepp	jdyer 12/15/2010	rschluet 12/15/2010 <i>1611</i>	<i>[Signature]</i>	lparisi 12/15/2010		State

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Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**
tamara.dodge@legis.wisconsin.gov

Pre Topic:

DOA:.....Dombrowski, BB0130 -

Topic:

Family Care, Family Care Partnership, PACE, and IRIS enrollment freeze

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/P1	fknepp 12/14/2010	jdyer 12/15/2010	rschluet 12/15/2010	_____	lparisi 12/15/2010		

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/?	fknepp	PI 12/15 JL	J	==			State

FE Sent For:

<END>

Dodge, Tamara

From: Hanaman, Cathlene
Sent: Tuesday, November 23, 2010 11:17 AM
To: Dodge, Tamara
Subject: FW: Statutory Language Drafting Request
Attachments: Stat lang drafting 11-13 family care freeze.doc

From: Shayna.Hetzel@Wisconsin.gov [mailto:Shayna.Hetzel@Wisconsin.gov]
Sent: Tuesday, November 23, 2010 11:03 AM
To: Hanaman, Cathlene
Cc: Shayna.Hetzel@wisconsin.gov; Thornton, Scott - DOA; Gauger, Michelle C - DOA
Subject: Statutory Language Drafting Request

Topic: Family Care Freeze

Tracking Code: BB0131

SBO Team: HSI

SBO Analyst: Dombrowski, Cynthia A - DOA
Phone: (608) 266-2214
E-mail: Cynthia.Dombrowski@Wisconsin.gov

Agency Acronym: DHS

Agency Number: 435

Priority: High

Intent:
Memo.

Attachments: True

2011-13 Budget Bill Statutory Language Drafting Request

- Topic: Family Care Freeze
- SBO team: HSI
- SBO analyst: Cindy Dombrowski
 - Phone: 266-2214
 - Email: cynthia.dombrowski@wisconsin.gov
- Agency acronym: DHS
- Agency number: 435
- Priority (Low, Medium, High): High

Intent:

Create a not-withstanding provision for the biennium to freeze enrollment in Family Care, self directed supports (IRIS) and Wisconsin Pace/Partnership as of June 20 2011.

Additionally, create a nonstat provision that allows those counties that are not currently participating in Family Care to transition to Family Care only if the Department of Health Services determines that it is cost effective to do so. The intent is that this apply only to the 11-13 biennium.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0582/P1

FFK:.....

In: 12-14-10

↑ Jld

DOA:.....Dombrowski, BB0130 - Family Care, Family Care Partnership, PACE, and IRIS enrollment freeze

FOR 2011-13 BUDGET — NOT READY FOR INTRODUCTION

✓
1

Do not gen

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, in certain counties, a person who meets certain functional and financial criteria and who is either a frail elder or an adult with a physical disability or a developmental disability is eligible for community-based services through Family Care, a medical assistance waiver program known as Family Care Partnership, the Program of All-Inclusive Care for the Elderly (PACE), or a self-directed supports options program (known as IRIS). This bill freezes enrollment in Family Care, Family Care Partnership, PACE, and IRIS during the 2011-2013 biennium.

plain

Family Care is currently available only in certain counties. This bill also prohibits the expansion of Family Care to counties in which the program is not available on July 1, 2011, during the 2011-2013 biennium, unless DHS determines that the expansion is cost effective.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 46.2896 of the statutes is created to read:

46.2896 Family care partnership program - enrollment. (1) DEFINITION.

In this section, "family care partnership program" means an integrated health and long-term care program operated under an amendment to the state medical assistance plan, as authorized in 42 USC 1396u-2.

(2) ENROLLMENT. The department may not enroll any person in the family care partnership program beginning on June 20, 2011, or the effective date of this subsection...[LRB inserts date], whichever is later, and ending on June 30, 2013.

***NOTE: Please have DHS confirm the definition of the family care partnership program.

SECTION 2. 46.286 (3) (d) of the statutes is created to read:

46.286 (3) (d) Notwithstanding par. (a), the department may not enroll any person in a care management organization to receive the family care benefit beginning on June 20, 2011, or the effective date of this subsection...[LRB inserts date], whichever is later, and ending on June 30, 2013.

SECTION 3. 46.2897 (title) of the statutes is amended to read:

46.2897 (title) Self-directed services option; ~~advocacy services~~.

SECTION 4. 46.2897 of the statutes is renumbered 46.2897 (1).

SECTION 5. 46.2897 (2) of the statutes is created to read:

46.2897 (2) The department may not enroll any person in the self-directed services option that is operated under a waiver from the secretary of the federal department of health and human services under 42 USC 1396n (c) beginning on June 20, 2011, or the effective date of this subsection...[LRB inserts date], whichever is later, and ending on June 30, 2013.

SECTION 6. 49.45 (58) of the statutes is amended to read:

1 49.45 (58) PROGRAM FOR ALL-INCLUSIVE CARE FOR THE ELDERLY. The department
 2 may administer the program of all-inclusive care for the elderly under 42 USC
 3 1396u-4. However, beginning on June 20, 2011, or the effective date of this
 4 subsection... [LRB inserts date], whichever is later, and ending on June 30, 2013, the
 5 department may not enroll any person in the (the) program of all-inclusive care for
 6 the elderly under 42 USC 1396u-4.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 4, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342.

7 SECTION 91XX. Nonstatutory provisions; Health Services.

8 (1) EXPANSION OF FAMILY CARE. Beginning on July 1, 2011, and ending on June
 9 30, 2013, the department of health services may not propose to contract with entities
 10 to administer the family care benefit, as defined in section 46.2805 of the statutes,
 11 in a county in which the family care benefit is not available on July 1, 2011, unless
 12 the department of health services determines that administering the family care
 13 benefit in such a county would be more cost effective than the current mechanism for
 14 delivering long term care services.

****NOTE: Is it even possible for a county to transition to Family Care with the freeze in place?

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Telephone Conversation with Cindy Dambrowski
(DOA Analyst) - 1/3/11

- Redraft LRB 0582/P1 as a nonstat
* ~~to apply~~
- Freeze should apply in counties that
all ready have Family Care
- Freeze should freeze # of participant
slots so that if someone leaves the
program someone on the waiting list
can take that slot.
- ~~Transfer~~
- Counties w/o Family Care will be addressed
in a separate bill.

Ken F. Krepp
1-3-11



State of Wisconsin
2011 - 2012 LEGISLATURE

RMR



LRB-0582/P1
FFK:jld:rs

In 1-5-10

note

DOA:.....Dombrowski, BB0130 - Family Care, Family Care Partnership, PACE, and IRIS enrollment freeze

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

✓
1

Do not gen
AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, in certain counties, a person who meets certain functional and financial criteria and who is either a frail elder or an adult with a physical disability or a developmental disability is eligible for community-based services through Family Care, a medical assistance waiver program known as Family Care Partnership, the Program of All-Inclusive Care for the Elderly (PACE), or a self-directed supports options program (known as IRIS). This bill freezes enrollment in Family Care, Family Care Partnership, PACE, and IRIS during the 2011-13 biennium.

Family Care is currently available only in certain counties. This bill also prohibits the expansion of Family Care to counties in which the program is not available on July 1, 2011, during the 2011-13 biennium, unless DHS determines that the expansion is cost-effective.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

→ Ins. (B)

1 **SECTION 1.** 46.286 (3) (d) of the statutes is created to read:

2 46.286 (3) (d) Notwithstanding par. (a), the department may not enroll any
3 person in a care management organization to receive the family care benefit
4 beginning on June 20, 2011, or the effective date of this subsection [LRB inserts
5 date], whichever is later, and ending on June 30, 2013.

6 **SECTION 2.** 46.2896 of the statutes is created to read:

7 **46.2896 Family care partnership program — enrollment. (1)**

8 **DEFINITION.** In this section, "family care partnership program" means an integrated
9 health and long-term care program operated under an amendment to the state
10 medical assistance plan, as authorized in 42 USC 1396u-2.

11 **(2) ENROLLMENT.** The department may not enroll any person in the family care
12 partnership program beginning on June 20, 2011, or the effective date of this
13 subsection [LRB inserts date], whichever is later, and ending on June 30, 2013.

****NOTE: Please have DHS confirm the definition of the family care partnership
program.

14 **SECTION 3.** 46.2897 (title) of the statutes is amended to read:

15 **46.2897 (title) Self-directed services option; advocacy services.**

16 **SECTION 4.** 46.2897 of the statutes is renumbered 46.2897 (1).

17 **SECTION 5.** 46.2897 (2) of the statutes is created to read:

18 46.2897 (2) The department may not enroll any person in the self-directed
19 services option that is operated under a waiver from the secretary of the federal
20 department of health and human services under 42 USC 1396n (c) beginning on June
21 20, 2011, or the effective date of this subsection [LRB inserts date], whichever is
22 later, and ending on June 30, 2013.

23 **SECTION 6.** 49.45 (58) of the statutes is amended to read:

1 ~~49.45 (58) PROGRAM FOR ALL-INCLUSIVE CARE FOR THE ELDERLY. The department~~
2 ~~may administer the program of all-inclusive care for the elderly under 42 USC~~
3 ~~1396u-4. However, beginning on June 20, 2011, or the effective date of this~~
4 ~~subsection [LRB inserts date], whichever is later, and ending on June 30, 2013,~~
5 ~~the department may not enroll any person in the program of all-inclusive care for~~
6 ~~the elderly under 42 USC 1396u-4.~~

7 **SECTION 9121. Nonstatutory provisions; Health Services.**

8 (1) ~~EXPANSION OF FAMILY CARE.~~ ^(#) Beginning on July 1, 2011, and ending on June
9 30, 2013, the department of health services may not propose to contract with entities
10 to administer the family care benefit, as ^{described} defined in section ^{46.286} ~~46.2805~~ of the statutes,
11 in a county in which the family care benefit is not available on July 1, 2011, unless
12 the department of health services determines that administering the family care
13 benefit in such a county would be more cost-effective than the current mechanism
14 for delivering long-term care services.

15 ~~****NOTE: Is it even possible for a county to transition to Family Care with the~~
~~freeze in place?~~

(END)

Anote

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0582/P2dn

FFK:jld:rs

date

↑
stays

* To Cindy Dombroski (w) on which July 1, 2011

* This bill has been redrafted to apply to counties in which the applicable programs are operating on the day the bill language becomes effective. As drafted, the freezes take effect on June 20, 2011, or the day after publication of the budget bill, whichever is latest. (later) In light of the fact that it is unlikely that the budget bill will be published prior to June 20, 2011, the bill language could be simplified by creating an effective date for the subsections relating to the freezes. An effective date of the day after publication will allow these subsections to take effect prior to July 1, 2011, in the event the budget is published before June 30, 2011. If the budget is published after July 1, 2011, such an effective date means that these sections will become effective on the general effective date of the budget bill. Please let me know if you would like me to make this change.

* Also, please note that I restricted the enrollment freeze in PACE and the Family Care Partnership program to the counties operating those programs on the effective date of the freeze. Is this consistent with DHS's intent? Finally, please have DHS confirm the definition of the family care partnership program.

* If you have any questions or concerns regarding this draft, please don't hesitate to contact me.

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0582/P2ins
FFK:jld:rs

Insert A:

* In a county where Family Care, Family Care Partnership, PACE, or IRIS is available, this bill freezes enrollment in an available program at the number of participants in that program on a specific date for the 2011-2013 biennium.*

Insert B:

SECTION 9121. Nonstatutory provisions; Health Services.

(1) FAMILY CARE ENROLLMENT FREEZE. Notwithstanding section 46.286 (3) (a) of the statutes, in a county where the family care benefit, as defined in section 46.286 of the statutes, is available on June 20, 2011, or the effective date of this subsection ... [LRB inserts date], whichever is later, the department of health services may not enroll more persons in care management organizations, as defined in section 46.284 of the statutes, to receive the family care benefit than the number of persons receiving the family care benefit in that county on June 20, 2011, or the effective date of this subsection ... [LRB inserts date], whichever is later. This subsection does not apply after June 30, 2013.

(2) FAMILY CARE PARTNERSHIP ENROLLMENT FREEZE.

(a) *Definition.* In this subsection, "family care partnership program" means an integrated health and long-term care program operated under an amendment to the state medical assistance plan, as authorized in 42 USC 1396u-2.

(b) *Enrollment freeze.* In a county where the family care partnership program is available on June 20, 2011, or the effective date of this subsection ... [LRB inserts date], whichever is later, the department of health services may not enroll more persons in the family care partnership program than the number of persons participating in the family care partnership program in that county on June 20, 2011,

or the effective date of this subsection ... [LRB inserts date], whichever is later. This subsection does not apply after June 30, 2013.

(3) PROGRAM FOR ALL-INCLUSIVE CARE FOR THE ELDERLY ENROLLMENT FREEZE. In a county that administers the program for all-inclusive care for the elderly under 42 USC 1396u-4 on June 20, 2011, or the effective date of this subsection ... [LRB inserts date], whichever is later, the department of health services may not enroll more persons in the program for all-inclusive care for the elderly than the number of persons enrolled in that county on June 20, 2011, or the effective date of this subsection ... [LRB inserts date], whichever is later. This subsection does not apply after June 30, 2013.

(4) SELF-DIRECTED SERVICES OPTION TO RECEIVE LONG-TERM CARE SERVICES ENROLLMENT FREEZE.

* (a) *Definition.* In this subsection, the "self-directed services option" means the program operated under a waiver from the secretary of the federal department of health and human services under 42 USC 1396n (c) that allows participants to self-manage publicly funded long-term care services.

(b) *Enrollment freeze.* In a county where the self-directed services option is available on June 20, 2011, or the effective date of this subsection ... [LRB inserts date], whichever is later, the department of health services may not enroll more persons in the self-directed services option than the number of persons participating in the self-directed services option in that county on June 20, 2011, or the effective date of this subsection ... [LRB inserts date], whichever is later. This subsection does not apply after June 30, 2013.

(end Insert B)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0582/P2dn
FFK:jld:rs

January 6, 2011

To Cindy Dombrowski:

This bill has been redrafted to apply to counties in which the applicable programs are operating on the day on which the bill language becomes effective. As drafted, the freezes take effect on June 20, 2011, July 1, 2011, or the day after publication of the budget bill, whichever is latest. In light of the fact that it is unlikely that the budget bill will be published prior to June 20, 2011, the bill language could be simplified by creating an effective date for the subsections relating to the freezes. An effective date of the day after publication will allow these subsections to take effect prior to July 1, 2011, in the event the budget is published before June 30, 2011. If the budget is published after July 1, 2011, such an effective date means that these sections will become effective on the general effective date of the budget bill. Please let me know if you would like me to make this change.

Also, please note that I restricted the enrollment freeze in PACE and the Family Care Partnership program to the counties operating those programs on the effective date of the freeze. Is this consistent with DHS' intent? Finally, please have DHS confirm the definition of the "family care partnership program."

If you have any questions or concerns regarding this draft, please don't hesitate to contact me.

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov

Knepp, Fern

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]
Sent: Friday, February 11, 2011 2:23 PM
To: Knepp, Fern
Subject: RE: Family Care "freeze" draft

Right, those counties would continue to operate as they are currently.

Cindy

From: Knepp, Fern [mailto:Fern.Knepp@legis.wisconsin.gov]
Sent: Friday, February 11, 2011 11:49 AM
To: Dombrowski, Cynthia A - DOA
Subject: Family Care "freeze" draft

Cindy,

I was wondering if you had any further redraft instructions for BB0131 (LRB 0582).

The current draft (/P2) sets a cap for each program at the number of persons enrolled on a certain date. This means that if there are 100 people enrolled on the specific date and after that date 5 people drop out, the county can enroll 5 new people so long because enrollment will not surpass 100 people. I believe this satisfies one of the redraft instructions you gave me yesterday. Based on our conversation yesterday, the only redraft request I have for this draft is to remove references to word "freeze."

Also, when I pulled the file, I saw a note from the last redraft that you were going to get back to me regarding counties do not have Family Care on July 1, 2011. Do you have any further instructions regarding such counties? Under the current draft, those counties would not have an enrollment cap.

Thanks,
Fen

Fern F. Knepp

Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 261-6927
fern.knepp@legis.wisconsin.gov

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

FC Freeze draft

* [If people leave program, the counties all spot
functionally frozen

already
done

- see and
redraft
instr

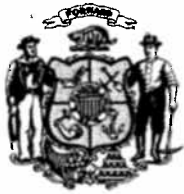
* S. 19

line 2 draft "No Freeze" language

~~F396~~

Redraft instructions from Cindy Dambroski

2-10-11



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0582/P2 R3
FFK:jld:rs

NOW
In 2-14-11
LPS - Fix
request sheet
please

RMR

DOA:.....Dombrowski, BB0131 - Family Care, Family Care Partnership,
PACE, and IRIS enrollment *freeze cap*

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

x *don't gen*

1

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, in certain counties, a person who meets certain functional and financial criteria and who is either a frail elder or an adult with a physical disability or a developmental disability is eligible for community-based services through Family Care, a medical assistance waiver program known as Family Care Partnership, the Program of All-Inclusive Care for the Elderly (PACE), or a self-directed supports options program (known as IRIS). In a county where Family Care, Family Care Partnership, PACE, or IRIS is available, this bill *freezes caps* enrollment in an available program at the number of participants in that program on a specific date for the 2011-13 biennium.✓

Family Care is currently available only in certain counties. This bill also prohibits the expansion of Family Care to counties in which the program is not available on July 1, 2011, during the 2011-13 biennium, unless DHS determines that the expansion is cost-effective.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9121. Nonstatutory provisions; Health Services.

(1) [✓]FAMILY CARE ENROLLMENT ~~FREEZE~~ ² Notwithstanding section 46.286 (3) (a) of the statutes, in a county where the family care benefit, as described in section 46.286 of the statutes, is available on June 20, 2011, or the effective date of this subsection, whichever is later, the department of health services may not enroll more persons in care management organizations, as defined in section 46.2805 (1) of the statutes, to receive the family care benefit than the number of persons receiving the family care benefit in that county on June 20, 2011, or the effective date of this subsection, whichever is later. This subsection does not apply after June 30, 2013.

(2) [✓]FAMILY CARE PARTNERSHIP ENROLLMENT ~~FREEZE~~ ¹³⁹⁶ⁿ⁽ⁱ⁾

(a) *Definition.* In this subsection, "family care partnership program" means an integrated health and long-term care program operated under an amendment to the state medical assistance plan, as authorized in 42 USC ~~1396u-2~~ ¹³⁹⁶ⁿ⁽ⁱ⁾.

(b) [✓]*Enrollment* ~~freeze~~ ². In a county where the family care partnership program is available on June 20, 2011, or the effective date of this paragraph, whichever is later, the department of health services may not enroll more persons in the family care partnership program than the number of persons participating in the family care partnership program in that county on June 20, 2011, or the effective date of this paragraph, whichever is later. This paragraph does not apply after June 30, 2013.

(3) [✓]PROGRAM FOR ALL-INCLUSIVE CARE FOR THE ELDERLY ENROLLMENT ~~FREEZE~~ ². In a county that administers the program for all-inclusive care for the elderly under 42

1 USC 1396u-4 on June 20, 2011, or the effective date of this subsection, whichever
2 is later, the department of health services may not enroll more persons in the
3 program for all-inclusive care for the elderly than the number of persons enrolled
4 in that county on June 20, 2011, or the effective date of this subsection, whichever
5 is later. This subsection does not apply after June 30, 2013.

6 (4) SELF-DIRECTED SERVICES OPTION TO RECEIVE LONG-TERM CARE SERVICES
7 ENROLLMENT [✓] ~~FREEZE~~ ²

8 (a) *Definition.* In this subsection, the "self-directed services option" means the
9 program operated under a waiver from the secretary of the federal department of
10 health and human services under 42 USC 1396n (c) that allows participants to
11 self-manage publicly funded long-term care services.

12 (b) *Enrollment* [✓] ~~freeze~~ ². In a county where the self-directed services option is
13 available on June 20, 2011, or the effective date of this paragraph, whichever is later,
14 the department of health services may not enroll more persons in the self-directed
15 services option than the number of persons participating in the self-directed services
16 option in that county on June 20, 2011, or the effective date of this paragraph,
17 whichever is later. This paragraph does not apply after June 30, 2013.

18 (5) EXPANSION OF FAMILY CARE. Beginning on July 1, 2011, and ending on June
19 30, 2013, the department of health services may not propose to contract with entities
20 to administer the family care benefit, as described in section 46.286 of the statutes,
21 in a county in which the family care benefit is not available on July 1, 2011, unless
22 the department of health services determines that administering the family care
23 benefit in such a county would be more cost-effective than [✓] the ^{county's} current mechanism
24 for delivering long-term care services.

25 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0582/P3

FFK:jld:ph

DOA:.....Dombrowski, BB0131 - Family Care, Family Care Partnership, PACE, and IRIS enrollment cap

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

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(2) FAMILY CARE PARTNERSHIP ENROLLMENT.

(a) *Definition.* In this subsection, “family care partnership program” means an integrated health and long-term care program operated under an amendment to the state medical assistance plan, as authorized in 42 USC 1396n (i).

(b) *Enrollment.* In a county where the family care partnership program is available on June 20, 2011, or the effective date of this paragraph, whichever is later, the department of health services may not enroll more persons in the family care partnership program than the number of persons participating in the family care partnership program in that county on June 20, 2011, or the effective date of this paragraph, whichever is later. This paragraph does not apply after June 30, 2013.

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2 the department of health services may not enroll more persons in the program for
3 all-inclusive care for the elderly than the number of persons enrolled in that county
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5 subsection does not apply after June 30, 2013.

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24 mechanism for delivering long-term care services.

25 (END)